

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HAROLD EDWIN LEAPHART,)
Petitioner)
)
vs.) Civil Action No. 07-465
) Judge Nora Barry Fischer/
JOHN A. PALAKOVICH; THE) Magistrate Judge Amy Reynolds Hay
ATTORNEY GENERAL OF THE STATE)
OF PENNSYLVANIA; THE DISTRICT)
ATTORNEY OF THE COUNTY OF)
INDIANA,)
Respondents)

ORDER


AND NOW, this 11th day of February, 2008, after the Petitioner, Harold Edwin Leaphart, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until February 4, 2008 to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the habeas petition [1] filed pursuant to 28 U.S.C. Section 2254 is dismissed;

IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules

of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.


NORA BARRY FISCHER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Harold Edwin Leaphart
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All counsel of record via CM/ECF